

Page 1 of 2  
*SELECTED*  
*(B)*

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/765,926	01/18/2001	Tom Fristoe	25118.00400

CONFIRMATION NO. 7423

FORMALITIES LETTER



\*OC000000005812424\*

Crosby, Heafey, Roach & May  
P.O. Box 7936  
San Francisco, CA 94120-7936

Date Mailed: 03/01/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

04/09/2001 TGEDAMU1 00000015 09765926

FILED UNDER 37 CFR 1.53(b)

01 FC:205

65.00 OP

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

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*A copy of this notice **MUST** be returned with the reply.*

H. T

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Attorney's Docket No. 25118.00400

3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:  
Tom Fristoe et al.

Examiner:

For: METHOD AND APPARATUS FOR  
CREATING A CONNECTION SPEED  
DETECTING MOVIE AND RICH MEDIA  
PLAYER CUSTOMIZATION ON THE FLY

Group Art Unit: 2615

Serial No. 09/765,926

Filed: January 18, 2001

TRANSMITTAL LETTER

Assistant Commissioner For Patents  
Box Missing Parts  
Washington, D.C. 20231

Sir:

In response to the Examiner's Notice To File Missing Parts Of Application mailed March 1, 2001 (copy enclosed), enclosed is a Response To Notification Of Missing Parts and Check No. 2039 in the amount of \$105.00 to cover the surcharge as set forth in 37 CFR 1.16(e) (\$65.00) and the recordation fee for one assignment as set forth under 37 CFR 1.21(h) (\$40.00).

The Commissioner is hereby authorized to charge any additional fees (or credit any overpayment) associated with this communication and which may be required under 37 CFR § 1.16 or § 1.17 to Deposit Account No. 03-3821, **referencing Attorney Docket No. 25118.00400. A duplicate sheet is attached.**

Dated: April 3, 2001

Two Embarcadero Center, Ste. 2000  
PO Box 7936  
San Francisco, CA 94120-7936  
(415) 543-8700 Telephone  
(415) 391-8269 Facsimile

Respectfully submitted,  
Crosby, Heafey, Roach & May  
Professional Corporation

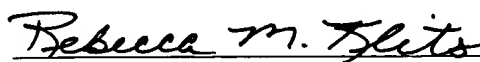
By: 

Name: Malcolm B. Wittenberg  
Registration No. 27,028  
Attorneys for Applicants

CERTIFICATE OF MAILING - 37 C.F.R. § 1.08

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box Missing Parts, Washington, D.C. 20231 on April 3, 2001.

April 3, 2001

  
Rebecca M. Klits



Attorney's Docket No. 25118.00400

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Tom Fristoe et al.

Examiner:

For: METHOD AND APPARATUS FOR  
CREATING A CONNECTION SPEED  
DETECTING MOVIE AND RICH MEDIA  
PLAYER CUSTOMIZATION ON THE FLY

Group Art Unit: 2615

Serial No. 09/765,926

Filed: January 18, 2001

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**RESPONSE TO NOTIFICATION OF MISSING PARTS**

Assistant Commissioner For Patents

Box Missing Parts

Washington, D.C. 20231

Sir:

In response to the Examiner's Notice To File Missing Parts Of Application mailed March 1, 2001 (copy enclosed), enclosed are a signed Combined Declaration and Power of Attorney, an Assignment with attached Recordation Form Cover Sheet (Form PTO-1595), and a Power of Attorney By Assignee for the above-referenced application.

Enclosed is check no. 2039 in the amount of \$105.00 to cover the surcharge as set forth in 37 CFR 1.16(e) (\$65.00), and the recordation fee as set forth under 37 CFR 1.21(h) (\$40.00).

Enclosed is a copy of the informal drawings as filed along with a copy of the Request and Certification Under 35 USC 122(b)(2)(B)(i), filed February 22, 2001. It is believed that correction of the informal drawings is not necessary as nonpublication is requested and formal drawings will be filed on allowance of the application.

The Commissioner is hereby authorized to charge any additional fees (or credit any overpayment) associated with this communication and which may be required under 37 CFR § 1.16 or §1.17 to Deposit Account No. 03-3821, referencing Attorney Docket No. 25118.00400. A duplicate sheet is attached.

Dated: April 3, 2001

Two Embarcadero Center, Ste. 2000  
PO Box 7936  
San Francisco, CA 94120-7936  
(415) 543-8700 Telephone  
(415) 391-8269 Facsimile

Respectfully submitted,  
Crosby, Heafey, Roach & May  
Professional Corporation

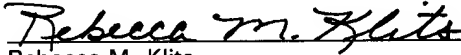
By: 

Name: Malcolm B. Wittenberg  
Registration No. 27,028  
Attorneys for Applicants

**CERTIFICATE OF MAILING - 37 C.F.R. § 1.08**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box Missing Parts, Washington, D.C. 20231 on April 3, 2001.

April 3, 2001

  
Rebecca M. Klits

# COPY

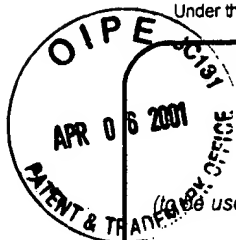
PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → ☐

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/765,926
Filing Date	January 18, 2001
First Named Inventor	Ming-Horng Lee et al.
Group Art Unit	
Examiner Name	
Total Number of Pages in This Submission	2
Attorney Docket Number	25118.00400

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Request And Certification Under 35 USC 122(b)(2)(B)(i)</b>
Remarks		The Commissioner is authorized to charge any fee or additional fee due in connection herewith to Deposit Account No. 03-3821, referencing Attorney Docket No. 25118.00400.

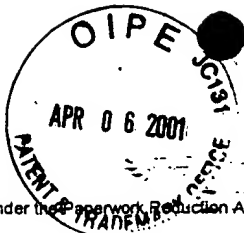
### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	John W. Carpenter, Reg. No. 39,129
Signature	
Date	February 22, 2001

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: February 22, 2001			
Typed or printed name	Rebecca M. Klits		
Signature		Date	February 22, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**COPY****3**

PTO/SB/35 (11-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Ming-Horng Lee et al.
Title	Method And Apparatus For Creating A Connection Speed Detecting Movie And Rich Media Player Customization On The Fly
Atty Docket Number	25118.00400

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

February 22, 2001

Date

  
Signature

John W. Carpenter

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.